

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

TYLER APPEL,

Plaintiff,

v.

KING COUNTY, *et al.*,

Defendants.

CASE NO. 2:21-cv-00621-TL-JRC

ORDER ADOPTING REPORT AND  
RECOMMENDATION

Having reviewed the report and recommendation of Chief Magistrate Judge J. Richard Creatura, having received no objections or responses to that, and having reviewed the remaining record, the Court ADOPTS the report and recommendation. The motion to dismiss (Dkt. 21) is GRANTED IN PART and DENIED IN PART as outlined in the Report and Recommendation.

The Clerk's Office shall send plaintiff a copy of the District's form complaint for § 1983 matters filed by persons in custody. If plaintiff does not choose to amend his complaint, this matter shall proceed solely on his smudging claims under RLUIPA and the First Amendment as outlined in the Report and Recommendation. If plaintiff chooses to amend his complaint, he must file an amended complaint on the Court's form within 30 days from the date of this Order. Claims not realleged in the amended complaint will be deemed voluntarily dismissed. Plaintiff may not reallege any claim that are dismissed *without leave to amend* but may reallege claims

1 that are dismissed *with leave to amend* if he can cure the deficiencies that the Court has  
2 identified. Should Plaintiff choose to file an amended complaint, Plaintiff shall use the Court's  
3 form complaint for Section 1983 matters, and Plaintiff may not incorporate any prior versions of  
4 the complaint by reference.

5 The Clerk is DIRECTED to send copies of this order to plaintiff, counsel for defendants,  
6 and to the Hon. J. Richard Creatura.

7 Dated this 13th day of April 2022.

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10 Tana Lin  
United States District Judge